

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION**

**UNITED STATES OF AMERICA**

**v.**

**Case No. 8:03-CR-77-T-30TBM**

**HATEM NAJI FARIZ**

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**RESPONSE IN OPPOSITION TO MOTION OF MEDIA GENERAL  
OPERATIONS, INC., FOR ACCESS TO SEALED RECORDS**

Defendant, Hatem Naji Fariz, by and through undersigned counsel, respectfully submits this response in opposition to the Motion of Media General Operations, Inc., for Access to Sealed Records (Doc. 1578), namely documents S-55 through S-59. Specifically, Mr. Fariz states:

Media General Operations, Inc., seeks access to five documents recently filed under seal, stating that the public record does not reflect the basis for the documents to be filed under seal. Mr. Fariz respectfully objects to this request for access to the documents, since unsealing these documents would interfere with Mr. Fariz's Sixth Amendment right to a fair trial. *See United States v. Noriega*, 917 F.2d 1543, 1547-49 (11th Cir. 1990) (discussing court's "broad discretion to balance First Amendment interests with a criminal defendant's Sixth Amendment right to a fair trial," and reiterating that "*Sixth Amendment rights of the accused must be protected always.*") (emphasis in original; citations omitted); Local Rule 4.10(e). The Court should maintain these documents under seal, since otherwise there is a

substantial probability that Mr. Fariz's right to a fair trial would be prejudiced and there are no alternative procedures that would protect Mr. Fariz's rights. *Noriega*, 917 F.2d at 1549.

Accordingly, Mr. Fariz respectfully objects to the Motion of Media General Operations, Inc., for Access to Sealed Records (Doc. 1578).

Respectfully submitted,

R. FLETCHER PEACOCK  
FEDERAL PUBLIC DEFENDER

/s/ M. Allison Guagliardo  
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Attorney for Defendant Fariz

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 19th day of May, 2006, a true and correct copy of the foregoing has been furnished by CM/ECF, to Walter Furr, Assistant United States Attorney; Terry Zitek, Assistant United States Attorney; Cherie L. Krigsman, Trial Attorney, U.S. Department of Justice; and Alexis L. Collins, Trial Attorney, U.S. Department of Justice.

/s/ M. Allison Guagliardo  
M. Allison Guagliardo  
Assistant Federal Public Defender